

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CASE No. 3:22-CV-241

Szabolcs Csapo
PLAINTIFF

–v–

Christopher Coon and
Dark Night Transport LLC
DEFENDANTS

NOTICE OF REMOVAL

The Defendants remove this matter from the Marshall Circuit Court to this court under 28 U.S.C. § 1441, *et seq.* In support of removal, they show the court that:

BACKGROUND

- ① Szabolcs Csapo sued the Defendants in negligence in the Marshall Circuit Court, where his lawsuit was assigned case no. 50CO1-2203-CT-000008.
- ② In his lawsuit, filed March 7, 2022, Csapo says he was injured in a traffic accident. The accident occurred in Marshall County, Indiana, on August 5, 2020. Csapo seeks damages for the injuries he attributes to it.
- ③ A copy of Csapo's state-court complaint and the pleadings and process filed in that action is attached as Exhibit A.¹

¹ 28 U.S.C. § 1446(a). The Defendants have not been served with process.

CITIZENSHIP

- ④ Csapo is a Florida citizen.
- ⑤ Christopher Coon is a North Dakota citizen.
- ⑥ Dark Night Transport is a limited-liability company formed and based in North Dakota. Its principal place of business is North Dakota. It has just one member, an individual, who is a North Dakota citizen.
- ⑦ This is an action between citizens of different states.²

AMOUNT IN CONTROVERSY

- ⑧ Csapo's complaint doesn't identify the amount in controversy; Indiana law forbids specifying the damages sought in personal-injury suits.³ But he did issue a pre-suit settlement demand for over \$1,000,000.⁴
- ⑨ Based on the demand, the amount in controversy exceeds \$75,000, excluding interest and costs.
- ⑩ Because the parties are diverse, and the amount in controversy exceeds \$75,000, this court has original jurisdiction⁵ and this action may be removed to this court.⁶
- ⑪ Venue is proper in the Northern District, South Bend Division, as the events leading to the crash occurred in Marshall County, Indiana.⁷
- ⑫ The Defendants served a notice of removal, with a copy of this remov-

² 28 U.S.C. § 1332.

³ Ind. T.R. 8(A)(2) (“[I]n any complaint seeking damages for personal injury or death, or seeking punitive damages, no dollar amount or figure shall be included in the demand”).

⁴ Ex. B. Where the complaint lacks an *ad damnum* clause, a pre-suit settlement demand constitutes the amount “in controversy” for diversity jurisdiction. *Rising-Moore v. Red Roof Inns, Inc.*, 435 F.3d 813, 816 (7th Cir. 2006).

⁵ 28 U.S.C. § 1332.

⁶ 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

⁷ 28 U.S.C. § 94(a)(2).

al notice, upon Csapo and have filed the notice of removal with the
Marshall Circuit Court.

Date: March 26, 2022

/s/ J. Thomas Vetne

J. Thomas Vetne | 19606-64

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Defendants' Attorney

CERTIFICATE OF SERVICE

I certify that on March 26, 2021, I served this notice of removal on the following via email:

John L. Smith
Morgan & Morgan
426 Bank Street Suite 300
New Albany, IN 47150
Plaintiff's Attorneys

/s/ J. Thomas Vetne

J. Thomas Vetne | 19606-64